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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,107	12/19/2001	Shannon Noreen Murray	67353	5693
22242	7590 11/17/2003		EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			WONG, LESLIE A	
			ART UNIT	PAPER NUMBER
			1761	
			DATE MAILED: 11/17/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

,	Application No.	Applicant(s)			
	10/025,107	MURRAY ET AL.			
Office Action Summary	Examin r	Art Unit			
	Leslie Wong	1761			
Th MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet w	ith the correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a replication of the period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	.136(a). In no event, however, may a r ply within the statutory minimum of thir I will apply and will expire SIX (6) MON	eply be timely filed by (30) days will be considered timely. THS from the mailing date of this communication.			
1) Responsive to communication(s) filed on	·				
2a) This action is FINAL . 2b) ⊠ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) ☐ Claim(s) 1-29 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-29 are subject to restriction and/or	own from consideration.				
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine 11.	cepted or b) objected to be drawing(s) be held in abeyand tion is required if the drawing(s)	ce. See 37 CFR 1.85(a). s) is objected to. See 37 CFR 1.121(d).			
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. §§ 119 and 120					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list 13) Acknowledgment is made of a claim for domesti since a specific reference was included in the first 37 CFR 1.78. a) The translation of the foreign language pro 14) Acknowledgment is made of a claim for domestic reference was included in the first sentence of the	s have been received. Is have been received in Aprity documents have been rule (PCT Rule 17.2(a)). In of the certified copies not rule priority under 35 U.S.C. Set sentence of the specifical positional application has been priority under 35 U.S.C. Set priority under 35 U.S.C.	eceived in this National Stage eceived. 119(e) (to a provisional application) tion or in an Application Data Sheet. en received.			
Attachment(s)					
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Info	mmary (PTO-413) Paper No(s) ormal Patent Application (PTO-152)			

Application/Control Number: 10/025,107

Art Unit: 1761

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-15, drawn to a cheese product, classified in class 426, subclass 582.
- II. Claims 16-29, drawn to a method for producing a cheese product, classified in class 426, subclass 92.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is 703-308-1979. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Leslie Wong

Primary Examiner

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Art Unit 1761

LAW November 6, 2003